

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Criminal No. 2:03CR15-3

SHEILA ANN CONRAD,
Defendant.

ORDER/OPINION

On the 25th day of April 2006, came the defendant, Sheila Ann Conrad, in person and by her counsel, Brian J. Kornbrath, and the United States by Stephen Warner, Assistant United States Attorney, pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on April 20, 2006, alleging Defendant:

1. Violated the Mandatory Condition that she not commit another federal, state or local crime;
2. Violated the Mandatory Condition that she refrain from any unlawful use of a controlled substance; and
3. Violated the Standard Condition that she refrain from excessive use of alcohol and not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;

As grounds for the alleged violations Defendant's Probation Officer stated that Defendant submitted a urine specimen on April 7, 2006, which tested positive for amphetamine, methamphetamine, cocaine, morphine, hydrocodone, and oxycodone. Defendant has a legitimate prescription for morphine and hydrocodone, which would have produced the positive results for these medications, but not have for oxycodone, amphetamine, methamphetamine, or cocaine. The laboratory reported that the use of methamphetamine produced the positive results for both amphetamine and methamphetamine. Defendant admitted to having used cocaine and executed a Positive Urinalysis Test Acknowledgment, but did not admit to the use of methamphetamine.

Prior to the taking of evidence, Defendant waived the preliminary hearing in writing, conceding probable cause existed to forward this revocation matter to United States District Judge Robert E. Maxwell for hearing and disposition.

The Court then explained the charges contained in the Petition and the effect of the proposed waiver to Defendant and inquired of her as to the voluntariness of her decision to waive the preliminary hearing. From the colloquy between the Court and the defendant, the Court concluded Defendant's decision to waive the preliminary hearing was knowingly and voluntarily made.

Upon consideration of all which, the Court finds there is probable cause to believe that the defendant violated the conditions of her supervised release as alleged in the Petition for Warrant or Summons for Offender Under Supervision filed April 20, 2006.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable Robert E. Maxwell, United States District Judge for the Northern District of West Virginia on the violations alleged in the Petition for Warrant or Summons for Offender Under Supervision dated April 20, 2006.

It is further **ORDERED** that Defendant be released on her original Conditions of Release with the addition of increased drug testing, the number and timing of which tests to be at the discretion of Defendant's Probation Officer.

The clerk of the court is directed to send a copy of this order to counsel of record.

DATED: April 25 2006

A handwritten signature in black ink, appearing to read "John S. Kaul", written in a cursive style.

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE